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**REMARKS**

Claims 1-45 are currently pending in the subject application and are presently under consideration. Claim 16 has been amended to cure a minor informality identified by the Examiner. A version of all pending claims is found at pages 2-9 of this Reply. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

**I. Objection of Claims 16-21**

Claims 16-21 are objected to because "multiplicand for" of line 5 of claim 16 appears to contain a grammatical error. This objection should be withdrawn for at least the following reason. Claim 16 has been amended to cure the minor informality the Examiner perceives as being grammatically incorrect. Accordingly, withdrawal of the objection is requested.

**II. Rejection of Claims 1-8 and 42-45 Under 35 U.S.C. §103(a)**

Claims 1-8 and 42-45 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Isreal *et al.* (US 6,330,007) in view of Simons *et al.* (US 5,917,549), and further in view of Marflak *et al.* (US 6,369,851). Withdrawal of this rejection is requested for at least the following reasons. Isreal *et al.*, Simons *et al.* and Marflak *et al.*, alone or in combination, do not teach or suggest each and every aspect set forth in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) *must teach or suggest all the claim limitations*. See MPEP §706.02(j). The *teaching or suggestion to make the claimed combination* and the reasonable expectation of success *must be found in the*

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*prior art and not based on the Applicant's disclosure. See In re Vaack, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).*

The invention as claimed relates to systems and methods that mitigate pixilation and/or disproportionate appearance of themed images when the images are sized and/or scaled. Independent claims 1, 4, 7, 42 and 44 recite similar aspects, namely: *the sizing module capable of sizing one or more disparate sections of the first component asymmetrically in at least two axes*. The combination of Isreal *et al.*, Simons *et al.* and Marflak *et al.* do not teach or suggest these novel features of applicants' claimed invention.

Isreal *et al.* provides a tool for designing a graphical user interface, and more particularly, a prototyping and specification tool for designing dynamic user interaction screens including input areas, forms, pick lists, electronic receipts, and screen-labeled keys. Additionally, Simons *et al.* relates to an image composition system for composing a plurality of images having different pixel aspect ratios to reduce distortion of image content. However, as the Examiner concedes neither Isreal *et al.* nor Simons *et al.* teach or suggest a *sizing module capable of sizing one or more disparate sections of the first component asymmetrically in at least two axes*.

In order to cure the aforementioned deficiencies rendered by Isreal *et al.* and Simons *et al.* the Examiner offers Marflak *et al.* Marflak *et al.*, the tertiary document, relates to imaging devices and more specifically to a method and apparatus for minimizing burn lines on a cathode ray tube (CRT) display used in an image display device such as a television. The Examiner asserts that the tertiary document provides the novel aspects of the claimed invention at col. 2, lines 34-63; col. 3, lines 48-55; and figs. 5-7. Applicants' representative disagrees. Col. 2, lines 34-63 disclose that attempts have been made to solve a CRT burning problem by using deflection waveforms to make a 16:9 aspect ratio picture cover the 4:3 aspect ratio screen wherein the 16:9 aspect ratio picture is vertically stretched to cover the black bands at the top and bottom of the 4:3 aspect ratio television display. Col. 2, lines 34-63 further provide that where deflection waveforms are linear, objects in the 16:9 aspect ratio picture appear disproportionately taller than normal, and where the deflection waveforms are non-linear, shape distortion

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occurs in the 16:9 aspect ratio picture. Thus, in both situations the displayed image is distorted or different from the original. In addition, col. 3, lines 48-55 provide that the aim of the tertiary document is to minimize CRT burning without distorting the 16:9 aspect ratio picture by creating a smoother transition from a no signal area (top and bottom edges of the 16:9 aspect ratio picture being displayed on a 4:3 aspect ratio television) to the signal area by decreasing the signal strength near the top and bottom portions of the 16:9 aspect ratio signal. It would appear that Marflak *et al.* does not size one or more disparate sections of a first component asymmetrically in at least two axes to minimize disproportionate appearance as recited in the subject claims, but rather the tertiary document produces an edge modification attenuation signal that minimizes burn lines at the top and bottom edge boundaries of a 16:9 aspect ratio picture as displayed on a 4:3 aspect ratio CRT.

Additionally, as stated *supra*, Marflak *et al.* relates specifically to a method and apparatus for minimizing burn lines on a cathode ray tube (CRT) display used in an image display device such as a television, whereas applicants' claimed invention relates to systems and methods that mitigate pixilation and/or disproportionate appearance of themed images when the images are sized and/or scaled. It is thus submitted that the Examiner is employing a 20/20 hindsight road map based analysis to impermissibly provide the missing teaching. In essence, the Examiner is basing the rejection on an assertion that it would have been obvious to do something not suggested in the art based on the advantages disclosed in applicants' specification. This sort of rationale has been condemned by the Court of Appeal for the Federal Circuit as being sophistic. *See e.g., Panduit Corp. v. Dennison Manufacturing Co.*, 1 USPQ2d 1593 (Fed. Cir. 1987). Thus, it is submitted that a *prima facie* case of obviousness has not been established against applicants' claimed invention. Further, the subject invention would not have been obvious to one of ordinary skill in the art sufficient to impel him/her to do what applicants have suggested, other than *via* employment of applicants' specification as a 20/20 hindsight-based road map to achieve the purported invention. Accordingly, withdrawal of the rejection of independent claims 1, 4, 7, 42 and 44 (and associated dependent claims) is requested.

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**III. Rejection of Claims 9, 16, 18, and 22 Under 35 U.S.C. §103(a)**

Claims 9, 16, 18, and 22 stand rejected as being unpatentable over Higgins *et al.* (US 5,477,241) in view of Simons *et al.* (US 5,917,549), and further in view of Marflak *et al.* (US 6,369,851). This rejection should be withdrawn for at least the following reasons. Higgins *et al.*, Simons *et al.* and Marflak *et al.*, either alone or in combination, do not teach or suggest all aspects recited in the subject claims.

Independent claims 9, 16 and 22 recite a similar limitation: *the sizing module capable of rendering nonsymmetrical representations of at least one individual sector of the bitmapped component*. Higgins *et al.* Simons *et al.* and Marflak *et al.*, individually and/or in combination, fail to teach or suggest each and every aspect of applicants' claimed invention.

Higgins *et al.* discloses a screen utility that permits a user to select the number of display pixels utilized to represent a designated unit length of printed output in a computer system's display screen, and Simons *et al.* relates to an image composition system for composing a plurality of images having different pixel aspects ratios to reduce distortion of image content. However, as the Examiner acknowledges neither Higgins *et al.* nor Simons *et al.* provide a sizing module capable of rendering nonsymmetrical representations of at least one individual sector of the bitmapped component.

In order to rectify the lack of teaching provided by Higgins *et al.* and Simons *et al.*, the Examiner offers Marflak *et al.* As stated above, Marflak *et al.* relates to imaging devices and more specifically to a method and apparatus for minimizing burn lines on a cathode ray tube (CRT) display used in an image display device such as a television. The Examiner contends that the substance of the subject claims can be located at col. 2, lines 34-63; col. 3, lines 48-55; and figs. 5-7. Applicants' representative avers to the contrary. As has been discussed above, Marflak *et al.* discloses a method and apparatus to minimize burn lines on a cathode ray tube display used in an image display device such as a television. The Examiner contends that the cited document provides the novel aspects of applicants' claimed invention at col. 2, lines 34-36; col. 3, lines 48-55; and figs. 5-7. As has been stated in connection with the rejection of claims 1-8 and 42-45 *supra*, Marflak *et al.* fails to provide a sizing module capable of rendering nonsymmetrical representations of at least one individual sector of the bitmapped

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component as recited in the subject claims, but rather the cited document produces an edge modification attenuation signal that minimizes burn lines at the top and bottom edge boundaries of a 16:9 aspect ratio picture as displayed on a 4:3 aspect ratio CRT display.

Moreover, as stated above, Marflak *et al.* relates specifically to a method and apparatus for minimizing burn lines on a cathode ray tube display used in an image display device. Applicants' claimed invention in contrast relates to systems and methods that mitigate pixilation and/or disproportionate appearance of themed images when the images are sized and/or scaled. In light of this distinction it is applicants' representative's contention that the Examiner is impermissibly employing a 20/20 roadmap based analysis to provide the missing teaching. This sort of casuistic rationale has been condemned by the Court of Appeal for the Federal Circuit. See *e.g.*, *Panduit Corp. v. Dennison Manufacturing Co.*, 1 USPQ2d 1593 (Fed. Cir. 1987). Thus, it is submitted that the Examiner has failed to provide a *prima facie* case of obviousness against applicants' claimed invention. Accordingly, this rejection should be withdrawn with respect to claims 9, 16, 18 and 22.

**IV. Rejection of Claims 10-15, 17, 19-21 and 23-26 Under 35 U.S.C. §103(a)**

Claims 10-15, 17, 19-21 and 23-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Higgins *et al.* (US 5,477,241) in view of Simons *et al.* (US 5,917,549) as applied to claims 9, 16, 18, and 22 above, in view of Isreal *et al.* (US 6,330,007), and further in view of Marflak *et al.* (US 6,369,851). Withdrawal of this rejection is requested for at least the following reasons. Claims 10-15, 17, 19-21 and 23-26 depend from independent claims 9, 16 and 22; and Isreal *et al.* and Marflak *et al.* do not rectify the aforementioned deficiencies with respect to the aspects recited in claims 9, 16 and 22. Accordingly, this rejection should be withdrawn.

**V. Rejection of Claims 27, 28, 32, 36, 38, and 39 Under 35 U.S.C. §103(a)**

Claims 27, 28, 32, 36, 38, and 39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Isreal *et al.* (US 6,330,007) in view of Simons *et al.* (US 5,917,549). This rejection should be withdrawn for at least the following reasons. Isreal *et al.* and Simons *et al.*, either alone or in combination, fail to teach or suggest all aspects set forth

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in the subject claims.

Independent claims 27, 32 and 38 recite similar limitations, namely: *a sizing module that chooses a second component of the UI element from a library of second components*. The Examiner contends that Isreal *et al.* provides this exemplary aspect at col. 15, lines 10-25. Applicants' representative disagrees. As stated *supra*, Isreal *et al.* provides a tool for designing a graphical user interface, and more particularly, a prototyping and specification tool for designing dynamic user interaction screens such as input areas, forms, pick lists, electronic receipts and screen-labeled keys. In particular, the passage noted by the Examiner discloses a visible check box that allows designation of whether a selected column is visible within a grid; an alignment dropdown list that allows selection of an alignment setting for text to be displayed within a particular column; and a width text box that allows the exact numeric width of a selected column to be specified. In addition, the indicated passage provides an adjust button that adjusts the width of the next-to-last visible column so that the last visible column is right-aligned with the right edge of the grid; a column heading text box that allows entry of a heading for selected columns; a settings for row spin box that allows for the selection of a particular grid row for which properties are to be edited; and a valid check box that designates whether a selected row is enabled in the grid on a user's screen. However, contrary to the Examiner's assertion, the indicated passage does not disclose choosing a second component of the UI element from *a library of second components*. In fact, Isreal *et al.* is silent with regard to the utilization of a library of user interface components, let alone a library of second user interface components. It is thus submitted that Isreal *et al.* fails to teach or suggest this novel feature of applicants' claimed invention.

Additionally, the Examiner acknowledges that Isreal *et al.* fails to provide for *the minimize pixilation and discordant appearance* as recited in the subject claims, and thus provides Simons *et al.* to cure this deficiency. While it is recognized that Simons *et al.* mitigates pixilation and the discordant appearance of rendered composite images, it is nevertheless asserted that Simons *et al.* does not make up for the aforementioned deficiencies with respect to the teachings provided by Isreal *et al.*

In view of at least the foregoing, it is requested that this rejection should be

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withdrawn with respect to independent claims 27, 32 and 38 (and claims that depend there from).

**VI. Rejection of Claims 29-31, 33-35, 37, 40, and 41 Under 35 U.S.C. §103(a)**

Claims 29-31, 33-35, 37, 40, and 41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Isreal *et al.* (US 6,330, 007) in view of Simons *et al.* (US 5,917,549) as applied to claims 27, 32, and 38 above, and further in view of Higgins *et al.* (US 5,477,241). Withdrawal of this rejection is requested for at least the following reasons. Claims 29-31, 33-35, 37, 40 and 41 depend from independent claims 27, 32 and 38; and Higgins *et al.* does not cure the aforementioned deficiencies with respect to independent claims 27, 32 and 38. Accordingly, this rejection should be withdrawn.

**CONCLUSION**

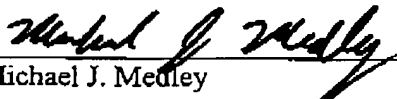
The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP190US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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